

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

LISA LOUGHNEY, :
 :
 Plaintiff : CIVIL ACTION NO. 3:19-1101
 :
 v. : (JUDGE MANNION)
 :
 CORRECTIONAL CARE, INC., *et* :
 al., :
 :
 Defendants/Third :
 Party Plaintiffs :
 :
 v. :
 :
 LACKAWANNA COUNTY, *et al.*, :
 :
 Third Party :
 Defendants :

ORDER

In accordance with the Memorandum issued this same day, **IT IS**
HEREBY ORDERED THAT:

- (1) Judge Arbuckle's Report and Recommendation, (Doc. 110), is **ADOPTED in part and NOT ADOPTED in part;**
- (2) County Defendants' motion to dismiss, (Doc. 102), CCI Defendants' Third Party Complaint, (Doc. 94), is **GRANTED in part and DENIED in part;**
- (3) County Defendants' motion to dismiss is **DENIED** with respect to CCI Defendants' contractual indemnity claim in Count I for Plaintiffs' civil rights claims in Counts I and II of the Amended Complaint, (Doc. 35). Accordingly, CCI Defendants' claim in

Count I of their Third Party Complaint will proceed, at this stage of the litigation, to the extent it seeks contractual indemnity from Lackawanna County for Plaintiff's civil rights claims in Counts I and II of the Amended Complaint.

- (4) County Defendants' motion to dismiss is **GRANTED** with respect to CCI Defendants' contractual indemnity claim in Count I for Plaintiff's negligence claims, and for CCI Defendants' contribution claim in Count III.
- (5) Accordingly, CCI Defendants' contractual indemnity claim in Count I is **DISMISSED without prejudice** to the extent it seeks indemnity from Lackawanna County for Plaintiff's negligence claims (Counts IV and V), and CCI Defendants' contribution claim in Count III is **DISMISSED without prejudice**.

S/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: March 29, 2023

19-1101-02-ORDER